

**MINUTES
CITY PLANNING COMMISSION
DECEMBER 9, 2003**

1. CALL TO ORDER- VanHouten called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members Present: Carlton, Cleaveland, Gronstal, Hartman, Schoeppner and VanHouten.
Absent: Bragg, Hensley, Johns, Milford and Reiners
Staff: Malmquist, Schroder and Wade

3. ADOPTION OF AGENDA

Motion by Cleaveland, second by Carlton to adopt the agenda as printed. Motion carried by unanimous voice vote.

4. APPROVAL-MINUTES OF THE OCTOBER 14, 2003 MEETING

Motion by Schoeppner, second by Cleaveland to approve the minutes as written. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION- Schroder

6. REVIEW OF MEETING PROCEDURES- VanHouten

7. PUBLIC HEARINGS

A. CASE #PC-03-007: Public hearing on the request of Mall of the Bluffs to amend the approved development plan relative to exterior signage. Location: Mall of the Bluffs, 1751 Madison Avenue.

Jeff Taylor, General Growth Properties, Inc., 17229 Turnberry Ridge, Council Bluffs, IA 51503, said the request is to increase the amount of exterior signage by 300 square feet. He is in agreement with all staff conditions of approval except he opposes the removal of the Target sign.

He acknowledged that a resolution in 1987 approved the sign for 3 years, to be removed prior to 1990. He stated that General Growth Properties, Inc. has never received a notification to remove the sign. The sign is not in any state of disrepair and has become part of the site. Target is a good community partner and requests that they be permitted to keep the sign.

Cleaveland asked who owned the sign. Taylor stated that Target owns the sign and is responsible for maintenance.

Gronstal asked where the sign is located. Taylor explained the location. Gronstal asked what the area of the existing sign is. Taylor said that the sign is 300 square feet and about as tall as the Mall of the Bluffs pylon sign. The sign was refurbished when Target did its expansion.

Carlton asked Malmquist what kind of process was used in determining the sign area allotment. Malmquist stated that the City has taken into consideration the expanding needs of the mall and has allowed for flexibility. Two of the proposed signs will identify lease spaces with outside access to the mall. The Target sign is intended to attract interstate traffic; it is unnoticeable from the mall parking lot. Individual tenants were not allowed to have their own pole signs. Anchor stores were approved with separate sign packages at the time the development plan was approved.

PLANNING COMMISSION ACTION

Motion by Cleaveland, second by Hartman to recommend amending the Mall of the Bluffs development plan as approved by Resolution No. 85-145 and as amended by Resolution No. 87-568, Resolution No. 97-140, Resolution NO. 98-219 and Resolution No. 99-201, as follows:

1. Prior to issuance of a permit for any additional exterior attached signage, the pylon sign on the easterly corner of the property shall be removed. Upon its removal the following plan for exterior attached signage shall become effective.
 - a) Exterior attached signage on the Mall building shall not exceed 1,100 square feet.
 - b) Exterior attached signage shall be limited to nine sign locations as designated by the Mall of the Bluffs management.
2. The sign area of individual letter signs shall be measured by the height and width of the sign, not by calculating the area of the letters individually.

VOTE: AYE- Cleaveland, Gronstal, Hartman and Schoeppner. NAY- Carlton and VanHouten. ABSTAIN- None.
ABSENT- Bragg, Hensley, Johns, Milford and Reiners. Motion carried.

B. CASE #SAV-03-011: Public hearing on the request of David L. Smith to vacate both north/south alleys in Block 50, Railroad addition. Location: From 25th to 26th Avenue between South 17th Street and South 18th Street.

Malmquist stated that the applicant called and stated that if Lime Kiln Road had been plowed open he would be there, but that there were several high drifts and he would likely not be able to get to the meeting.

Van Houten asked if there was any opposition to the proposed vacation. Malmquist said there was not.

PLANNING COMMISSION ACTION

Motion by Gronstal, second by Hensley to recommend vacating both north/south alleys in Block 50, Railroad Addition.

VOTE: AYE- Carlon, Cleaveland, Gronstal, Hartman, Schoeppner and VanHouten. NAY- None. ABSTAIN- None. ABSENT- Bragg, Hensley, Johns, Milford and Reiners. Motion carried.

C. CASE #SUB-03-013, #ZC-03-016 and #ZC-03-017: Combined public hearing on the request of Eagles Nest, LLC for preliminary plan approval of a 177 lot residential subdivision to be known as Eagle Trail located on 54 acres in part of the NW¼ of Section 19-74-43. Concurrent with subdivision the applicant is also requesting rezoning from R-1/Single Family Residential to R-3/Low Density Multi-family Residential for proposed Lots 175-177. The Community Development Department is requesting repeal of the PR/Planned Residential Overlay upon the property zoned R-1/Single Family Residential and applying the Planned Residential Overlay to that property proposed to be rezoned to R-3/Low Density Multi-family Residential in the proposed subdivision and a 1.38 acre parcel described as the south 240 feet of the west 240 feet lying east of Navajo Road right-of-way in the NW¼ of section 19-74-43. Location: East of Navajo Road and northeasterly from South Shore Drive.

John Jerkovich, 535 West Broadway, Suite 100, Council Bluffs stated that he was in agreement with the conditions of approval listed in the staff report. He stated that the need for excessive depth to width on the two lots was necessary when the detention basin was relocated at the request of City staff. He stated that a subdivision was approved at the location several years ago, but did not move forward because of ingress and egress issues. Now seems an opportune time with the construction of the East Manawa Drive. The homes will be marketed in the \$120,000 to \$155,000 range.

Carlon asked for clarification on the depth to width issue. Malmquist stated that the two lots in question were too deep in relation to their width. If the applicant cannot comply with the minimum standard, then a variance should be requested.

Carlon asked how the storm drainage would work on the site.

Stan Hrupek, HGM Associates, 640 5th Avenue, Council Bluffs, IA 51502, explained the storm drainage plan and the role that existing Lateral 5 would play. He stated that a gate structure to Lateral 5 would be constructed. If the gate structure ever had to be shut the remaining detention area within the subdivision would store a 100 year storm event. He stated further that he did not understand the requirement of a 45 foot wide radius on the cul-de-sac. He requested a variance. Malmquist stated that it was a requirement of the Fire Marshal and that the Planning Commission did not have the authority to grant such a request. Hrupek requested a variance to allow the two lots to exceed the lot depth to width ratio.

PLANNING COMMISSION ACTION

Motion by Gronstal, second by Cleaveland to recommend:

1. Rezoning property legally described as part of the NW¼ of Section 19-74-43 including the South 240 feet of the West 240 feet lying east of Navajo Road right-of-way in the NW¼ NW¼ of Section 19-74-43, from R-1/Single Family Residential District to R-3/Low Density Multi-Family Residential District with a PR/Planned Residential Overlay.
2. Repeal of the PR/Planned Residential Overlay on property legally described as part of the NW¼ of Section 19-74-43, as appended by Ordinance Number 5267 on June 24, 1996.
3. Preliminary plan approval of a 177 lot residential subdivision to be known as Eagle Trail Subdivision subject to the comments and conditions as stated in the staff report, except that a variance be granted to allow Lots 8 and 112 to exceed the lot depth to width ratio.

VOTE: AYE- Carlon, Cleaveland, Gronstal, Hartman, Schoeppner and VanHouten. NAY- None. ABSTAIN- None. ABSENT- Bragg, Hensley, Johns, Milford and Reiners. Motion carried.

D. CASE #ZC-03-018 and #CP-03-002: Combined public hearing on the request of Jerry Slusky, Trustee, to rezone approximately 133 acres in the S½ of Section 11-74-44 lying east of South 24th Street, west of Indian Creek and north of West South Omaha Bridge Road (HWY 275/92), except that part of the NE¼ SW¼ lying northwest of Old Indian Creek from A-2/Parks, Estates and Agricultural to I-2/General Industrial. The Community Development Department expanded the request to include rezoning that part of the NE¼ SW¼ of Section 11-74-44 lying northwest of Old Indian Creek from C-2 Commercial to I-2/General Industrial. The Community Development Department is also requesting an amendment to the 1994 Comprehensive Plan to incorporate an amended South 24th Street Master Plan. Location: East of South 24th Street and west of Indian creek lying north of West South Omaha Bridge Road (Hwy 275/92).

Jerry Slusky, 1500 Omaha Tower, 2120 South 72nd Street, Omaha, NE 68124 and Dean Jaeger, Thompson, Dreessen and Dorner, Inc. were present representing the project.

They outlined the project as three phases including a total of 1.2 million square feet of space. The first phase would include a 550,000 square foot warehouse and employ 50 people, is expected to open in spring of 2005. The second phase would include a 250,000 square foot building employing 400 people, expected to open in 2006. The second phase would add the most jobs. It would be a production and/or picking facility. The final phase would include 400,000 square feet, employ approximately 100 employees and open after 2006. The project would cost approximately \$30 to \$40 million to complete.

Slusky stated there has been good cooperation between the prospective user of the site and the City. He understands that in addition to the rezoning, an amendment to the Comprehensive Plan is being reviewed tonight. He said infrastructure to the site will be adequate. Sanitary sewer will be extended when South 24th Street is widened. There will be two or three drives onto South 24th Street. They have also asked the Iowa Department of Transportation for one or two entrances from South Omaha Bridge Road.

The applicant is in the process of developing an agreement with the City attorney and staff. A traffic study will be completed and submitted to the City. All ingress and egress to the site will be controlled. A storm water plan will be submitted. An environmental engineer identified the Old Indian Creek a wetland. However, the Corps of Engineers has declared the area an 'isolated' wetland which will not require a Section 404 permit. It will be subject to review by the Department of Natural Resources.

Cleaveland asked how many jobs would be created. Slusky said that when all three phases are complete, 550 jobs would be created.

Carlton stated that it looked like the truck traffic would use the South Omaha Bridge Road entrances. Jaeger said that was correct. Malmquist stated that the City was requesting adequate buffering for vision and sound between the proposed development and the existing residential neighborhood, as well as from South Omaha Bridge Road. Carlton asked if that meant walls, berms and/or vegetation. Malmquist stated that the specifics would be identified in the development agreement. Slusky stated that the company is very sensitive to being a good neighbor and has no problem with installing whatever kind of buffer is necessary.

Gronstal asked what the timing of the South Omaha Bridge Road improvements would be. Wade said he believed that South 24th Street improvements would be made this spring and that work on South Omaha Bridge Road would begin in 2005-06.

Gronstal asked if this was the same site approved for the amusement park. Malmquist stated that it was.

PLANNING COMMISSION ACTION

Motion by Cleaveland, second by Schoeppner to recommend:

1. Rezoning approximately 138 acres in the S½ of Section 11-74-44 lying east of South 24th Street, west of Indian Creek and north of West South Omaha Bridge Road (Hwy 275/92) from A-2/Parks, Estates and Agricultural and R-1M/Single Family Manufactured Housing District to I-2/General Industrial, subject to the execution of a development agreement between the City and the developer that will address traffic impact, storm water and other site development issues.
2. Adoption of the 'Amended South 24th Street Master Plan', as presented and incorporation of the document into the *1994 Council Bluffs Comprehensive Plan*.

VOTE: AYE- Carlton, Cleaveland, Gronstal, Hartman, Schoeppner and VanHouten. NAY- None. ABSTAIN- None. ABSENT- Bragg, Hensley, Johns, Milford and Reiners. Motion carried.

E. CASE# URN-03-005: Public hearing on the request of the City of Council Bluffs to amend the South 24th Street Urban Renewal Plan and adopt the amended plan for the S½ of Section 11-74-44 lying east of South 24th Street, west of Indian Creek and north of West South Omaha Bridge Road (Hwy 275/92).

Malmquist stated that the vision for the area had changed and that the proposed changes to the urban renewal plan as approved for the amusement park project were underlined. The plan adoption is necessary to be able to utilize various TIF opportunities. Wade stated that the proposal was to rebate taxes for a period of years. Carlton asked if that would be done using the standard schedule. Wade said there were no specifics yet, but that it likely would be 80% rebate for 5 years, 50% for the second 5 years; basically a five-year rebate for each phase.

PLANNING COMMISSION ACTION

Motion by Hartman, second by Cleaveland to recommend approval of the *Amended South 24th Street Urban Renewal Plan*, as prepared.

VOTE: AYE- Carlton, Cleaveland, Gronstal, Hartman, Schoeppner and VanHouten. NAY- None. ABSTAIN- None. ABSENT- Bragg, Hensley, Johns, Milford and Reiners. Motion carried.

F. CASE #MIS-03-006: Public hearing on the request of the City of Council bluffs to adopt the Council Bluffs Pre-Disaster Mitigation Plan.

Jake Hansen, representing the Metropolitan Area Planning Agency, made a brief presentation of the document. He stated that it was necessary to adopt the new plan to ensure that funding remains available to the City.

Cleaveland noted that the highest priority hazard was a hazardous materials transportation issue.

PLANNING COMMISSION ACTION

Motion by Carlton, second by Gronstal to recommend approval of the *Council Bluffs Pre-Disaster Mitigation Plan*, as presented.

VOTE: AYE- Carlton, Cleaveland, Gronstal, Hartman, Schoeppner and VanHouten. NAY- None. ABSTAIN- None. ABSENT- Bragg, Hensley, Johns, Milford and Reiners. Motion carried

8. OTHER BUSINESS

A. City Council update. Malmquist stated that Pre-Disaster Mitigation Plan and the South 24th Street project will be considered by the City Council on December 15th, earlier than normal because of timing constraints.

B. Other items of interest. Malmquist thanked the commissioners for the attendance throughout the year.

9. ADJOURNMENT- VanHouten adjourned the meeting at 7:50 p.m.